

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reexamination of:	U.S. Patent No. 6,652,879 to Ophiem	Confirmation No.: 1760
Reexamination Control No.:	90/010,734	Art Unit: 3991
Filed:	February 3, 2010	Examiner: Kunz, Gary L.
For:	FLAVORED GELATIN CAPSULES AND METHOD OF MANUFACTURE	Attorney Docket No.: 12098-033-999

DECLARATION OF CORINNA BELLIZZI UNDER 37 C.F.R. § 1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Corinna Bellizzi, hereby state and declare as follows:

1. I am a citizen of the United States of America residing at 365 Tabor Drive, Scotts Valley, California, 95066.
2. Currently, I am the National Sales Manager for the retail market place at Nordic Naturals, Inc. ("Nordic Naturals"). I have worked in this capacity since I first joined Nordic Naturals in June 2002. My responsibilities include management of Nordic Naturals' sales, marketing, and educational efforts in the retail and consumer marketplace. A focal point of my job is the sales, marketing, and education of our flavored gelatin products through sales representation, trade and consumer expositions, product demonstrations, cooperative advertising and radio/TV educational advertising campaigns.
3. Prior to joining Nordic Naturals, I was employed by Draco Natural Products, Inc. ("Draco Natural Products"), an herbal extract raw materials manufacturer as their International Sales Manager. My responsibilities included account management, prospecting for new clients, assisting in new product development as it relates to client needs and building broker sales representation in foreign markets.

4. I am familiar with U.S. Patent No. 6,652,879 and the claims thereof assigned to Nordic Naturals. These claims are directed to flavored gelatin capsules that can be useful, for example, in improving the palatability of fish oil supplements. I understand that Nordic Naturals has used the patented flavored gelatin capsules in a variety of dietary supplement products discussed herein, including strawberry, peach and lemon flavored gelatin capsule fish oil products.

5. I first encountered Nordic Naturals' flavored fish oil gelatin capsules at the Natural Products Expo West trade show in March of 2002. At the time, I was employed by Draco Naturals Products and in the process of scouting new partnership opportunities at the trade show. At the trade show, I sampled Nordic Naturals fruit flavored gelatin capsule omega-3 fish oil supplements and was surprised at how palatable the fruit flavored capsules made omega-3 fish oil supplements. The products were so tasty, that I tried every flavor of Nordic Naturals fruit flavored gelatin capsule omega-3 fish oil supplements available at the show including strawberry, peach and lemon flavored gelatin capsules.

6. In particular, I remembered tasting Nordic Naturals' strawberry flavored DHA capsules. Despite comprising a high concentrate fish oil, the DHA capsules had an appealing strawberry smell and I tasted a delicious strawberry flavor instantaneously as I put a capsule in my mouth. The palatable fruity taste encouraged me to further bite into the capsule, which I also enjoyed chewing.

7. This astonishing and pleasant experience is ultimately the reason I sought and gained employment at Nordic Naturals as their National Sales Manager. Prior to encountering Nordic Naturals fruit flavored gelatin capsule omega-3 fish oil supplements, I had very negative experiences with fish oil supplements tasting and smelling unpleasant. I was therefore inspired to help Nordic Naturals forge their path as the first pleasant tasting fruit flavored gelatin capsule fish oil supplements. I wanted to help reach consumers who had otherwise abandoned fish oil supplementation due to unpleasant taste and smell.


8. From 2002-2006, I helped to establish Nordic Naturals' fruit flavored gelatin capsule fish oil products in the retail marketplace while serving as their National Sales Manager. During this time period, I frequently encountered consumers, retailer buyers, sales representatives and industry

professionals who expressed surprise and disbelief when I described to them the tastiness of Nordic Naturals' flavored gelatin capsule fish oil supplements. In order to get these people to try the capsules, I would ask them first to smell the capsules from a bottle. The fruity smell of the gelatin capsules would encourage these people to put the capsules into their mouths and the palatable taste would encourage them to bite into the capsules. Many people who tried the flavored gelatin capsule fish oil supplements expressed to me that they initially expected to encounter a repugnant fishy taste or smell. These same people, however, reported a pleasant, and in some cases, "gourmet" or "culinary" experience when eating the capsules.

9. Nordic Naturals' fruit flavored gelatin capsule fish oil supplements have seen yearly increases in gross revenue from sales since 2003. I am surprised by the rate of increase in gross revenue and the amount of gross revenue from sales of the fruit flavored gelatin capsule fish oil supplements in such a short time period.

10. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

16 August 2010  
DATE

  
SIGNATURE OF CORINNA BELLIZZI